

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>BARBARA A. BAUM,</b>	:	<b>CIVIL ACTION NO. 2:16-CV-623</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>METROPOLITAN PROPERTY AND</b>	:	
<b>CASUALTY INSURANCE COMPANY,</b>	:	
<b>t/d/b/a METLIFE AUTO &amp; HOME,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 18th day of January, 2019, upon consideration of the motions (Docs. 92, 98) to strike by plaintiff Barbara A. Baum (“Baum”), wherein Baum moves to strike both the statement of material facts and the response to her counterstatement of material facts filed by defendant Metropolitan Property and Casualty Insurance Company (“Metropolitan”) for noncompliance with the local rules of court, and to dismiss Metropolitan’s motion for partial summary judgment, and further upon consideration of Metropolitan’s brief in opposition to said motions, (Doc. 99), and the court observing that Local Rule 56 requires that a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be supported by a separately filed concise statement of undisputed and material facts, wherein the party “must cite to a particular pleading, deposition, answer to interrogatory, admission on file or other part of the record supporting the party’s statement, acceptance, or denial of the material fact,” LOCAL RULE OF COURT 56(B)(1), and that any “[d]ocuments referenced in the Concise Statement shall be

included in an appendix,” LOCAL RULE OF COURT 56(B)(3), and it appearing that Metropolitan cites to no record evidence in support of the facts asserted in its respective statements of material facts,<sup>1</sup> (see Docs. 90, 97), and the court concluding that these filings fail to comply with Local Rule 56 and should therefore be stricken, it is hereby ORDERED that:

1. Baum’s motions (Docs. 92, 98) to strike are GRANTED in part to the extent they seek to strike Metropolitan’s statements of material facts as noncompliant with Local Rule 56. The motions are otherwise DENIED.
2. The Clerk of Court is DIRECTED to strike docket entries 90, 93, 94, 97, and 100.
3. Metropolitan shall refile its statement of material facts and appendix in support thereof on or before **Friday, February 1, 2019**. Metropolitan is admonished that further failure to comply with the Local Rules for the Western District of Pennsylvania may result in dismissal of its motion for partial summary judgment.
4. Baum shall then file a counterstatement of material facts and appendix in support thereof on or before **Friday, February 15, 2019**.
5. Metropolitan shall then file a responsive statement of material facts, and an appendix containing any additional pertinent record evidence in support thereof, on or before **Friday, March 1, 2019**.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> Metropolitan eventually filed an appendix to its statement (Doc. 90) of material facts nearly two months later. (See Doc. 100). No appendix to Metropolitan’s responsive statement (Doc. 97) of material facts was ever filed.